

Press Release

KID Patrons Launch Recall of 3 Board Members

Petitions to Recall Board Members Cheyne, Knoll and Smith Delivered to KID Office

Klamath Falls, Oregon
July 25, 2016



The deteriorating C Flume, an elevated canal that looms above the Henley schools complex in the background, is finally going to be repaired, despite unnecessary delays and thousands of dollars expended by the new KID board of directors and their new legal team.

Three Klamath Irrigation District (KID) patrons are leading the charge on separate efforts to recall three board members currently being investigated for alleged violations by the Oregon Government Ethics Commission.

KID irrigators Ed Bair, Jason Chapman and Ross Fleming are acting as lead petitioners to recall KID board members Ken Smith, Grant Knoll and Brent Cheyne, respectively. Petitions for recall completed by the three KID patrons were delivered to the KID office earlier today.

“The new KID board majority that assumed control at the beginning of this year is quickly driving our century-old district into the ground,” said Ed Bair.

On November 10, 2015, Klamath Irrigation District’s (“KID”) constituents elected Kenneth Smith to KID’s board of directors. Along with newly elected Board Chairman Brent Cheyne and Board Director Grant Knoll, the election resulted in a dramatic change in the makeup of the board members, leading to a sharp departure from KID’s previous priorities and the board’s fiduciary responsibilities.

The petitioners are most concerned with escalating legal fees being paid to a new out-of-town team of attorneys, the alarming departure of several long-time district employees, and the secretive nature of decision-making being employed by the KID board majority. The Oregon Government Ethics Commission is currently investigating Cheyne, Knoll and Smith for alleged violations of public meeting law.

“There appears to be a substantial objective basis to believe that one or more violations of the executive session provisions of Oregon public meeting law may have occurred ... when the board of directors of the Klamath Irrigation District discussed topics not authorized for executive session,” the Commission recently found.

Two new attorneys hired by the new board majority earlier this year are in the eye of the storm. One of the new attorneys, Lawrence Kogan of New York City, was retained specifically to advise on the much-needed C Canal flume contract. After much confusion and resulting delay generated by Kogan’s

resistance to this standard contract, Chairman Brent Cheyne finally agreed to sign the contract, but not until excessive and unnecessary legal fees of nearly \$60,000 were racked up over a six week period.

While the KID board at its July 14 meeting voted 2-1 to finally terminate Kogan's contract, Knoll abstained from voting, and board chair Cheyne did not vote. Board member Ken Smith voted against terminating Kogan's employment.

"The confused and contradictory rulings by the Chair as to the outcome of the vote on the motion exemplifies the kangaroo court - like functioning of the KID board since the 3 board members have been in the majority," said KID patron Tricia Hill. "The importance of the KID mission and purpose demands a much more decisive, reliable, and professional operation in these very trying times."

Yet-to-be-billed are untold amounts accruing over the months since Mr. Kogan's first billings.

KID's other new attorney – Nathan Reitmann of Salem – has represented interests who oppose KID in Klamath River water rights disputes.

The termination of Kogan is seen as a necessary and positive step, but it does not allay the concerns of many KID patrons, including the petitioners.

"These attorneys would not be involved with KID business if they had not been invited into the Basin by these three individuals," said Ed Bair. "Their questionable judgement poses risks to our community."

Petitioners believe the behind-the-scenes actions driven by the KID board majority have drained KID's finances, created anxiety and animosity, and threaten to derail positive things done by others. Now, their actions have created a huge divide in the community. KID is out on a limb, alienated from other Project districts, with no support from the majority of its own irrigators.

"Brent Cheyne, Grant Knoll, and Ken Smith, after six destructive months of service, can now be recalled from the KID board of directors," added Mr. Bair. "If successful, the remaining KID board members can appoint competent, reasonable and accessible patrons to serve until new board members are elected to serve out the remainder of the terms for the recalled members. The new KID board can quickly take constructive actions to right the ship and get KID back to doing what it is intended to do: safely and efficiently deliver water to KID patrons who so desperately need it."

Three separate recall efforts have been established (Committee to Recall Brent Cheyne, Committee to Recall Grant Knoll and Committee to Recall Ken Smith).

The members of the recall committees are working to gather signatures of registered KID voters on the Petitions. When the required number of signatures are obtained, a recall election would be put before KID patrons later this summer. At that time, if a majority of the patrons (for each KID board division) vote in favor of the recall, that director would be terminated from the board, and the remaining board members would select a replacement from the division to serve in his place.

For more information on the recall, please visit the joint website that incorporates the concerns of all three recall actions: kidrecall.org.